

Message Text

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TO SECSTATE WASH DC IMMEDIATE 6907

C O N F I D E N T I A L SECTION 01 OF 04 OECD PARIS 11371

EXCON

E.O. 11652: XGDS1

TAGS: ESTC, COCOM

SUBJECT: REVIEW OF IL 1565 - COMPUTERS (MAY 2 SESSION)

REFS: A. COCOM DOC REV(71) 1565/W.P.3

B. COCOM DOC REV(71) 1565/19

C. STATE 092361

D. OECD PARIS 11022

E. OECD PARIS 11111

SUMMARY: THE FIREWORKS CONTINUED AND THE "VILLAIN" OF FRIDAY'S DISCUSSION OF NOTES 5 AND 13 WAS GERMANY. IT RAISED PROBLEMS ON INTERNAL MEMORY CAPACITY (NOTE 5 (G) (3); A DISC SYSTEM WHICH WHILE BELOW 3330 CAPACITY, NEVERTHELESS HAD A HIGH "EFFECTIVE BIT TRANSFER RATE" ((G)(4)(II)); AND A VARIANT PDR CALCULATION FOR 370/145 SYSTEMS WHICH WOULD HAVE BROUGHT THOSE UNDER TERMS OF (H)(1) WHILE CONTINUING TO APPLY MORE STRINGENT CONDITIONS TO SIMILAR SIEMENS SYSTEMS. GERMANY ALSO SUPPORTED THE UK IN SEEKING MORE RELAXED CONDITIONS, 13, FOR DISCRETIONARY EXPORTS OF SIX (RATHER THAN THE US PROPOSED FOUR) DUAL-DENSITY 2314 EQUIVALENT SYSTEMS. FRANCE MAINTAINED THAT IT WAS FUTILE TO DISCUSS THE

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PARAMETERS OF THE VARIOUS LEVELS OF CONTROL UNTIL THERE

WAS AGREEMENT ON THE EXTENT OF THOSE CONTROLS (I.E. ACCESS AND VISITATION). WHILE NOT SPECIFICALLY RAISED DURING THE DISCUSSIONS, USDEL FEELS WE SHOULD BE PREPARED WITH GUIDANCE ON THE RETROACTIVE EFFECT, IF ANY, ON NOTE 13 EXPORTS FOR SYSTEMS PREVIOUSLY APPROVED AS GENERAL EXCEPTIONS. ACTION REQUESTED: AS DETAILED IN PARA 22. END SUMMARY.

1. DISCUSSION CONTINUED ON NOTE 5 (REF A) ON MAY 2, USUAL DELS, EXCEPT BELGIUM AND ITALY, ATTENDING. JAPANESE DEL STARTED BY LIFTING RESERVATION AND ACCEPTING NOTE 5 (D)(III) (SEE PARA 5 REF E).

2. ON NOTE 5(F), UK RAISED PROPOSAL IN PARA 283 REF B. US ACCEPTED AD REF ON BASIS THAT GOVERNMENTS AND MANUFACTURERS TAKE DUE CAUTION AND CONCERN IN CONTROLLING EXPORTS OF SPARES TO OTHER SYSTEMS TO MINIMIZE RISK THAT SPARES WILL BE DIVERTED TO SYSTEMS AGAINST WHICH SANCTIONS ARE BEING APPLIED. UK AND GERMANY AGREE AD REF AND OTHERS AGREED ON THAT UNDERSTANDING.

3. ON NOTE 5(G)(1) AND (2) ALL AGREED, FRANCE AD REF.

4. ON NOTE 5(G)(3), UK RESTATED OCTOBER GERMAN REQUEST FOR 8.4 MILLION BITS. IN COMPROMISE, GERMANY COULD ACCEPT AD REF 6.3 MILLION BITS BUT STILL WOULD PREFER 8.4. NETHERLANDS COULD ACCEPT 8.4 AND OPENMINDED ON US AND GERMAN PROPOSALS. JAPAN COULD ACCEPT US AND OPENMINDED ON OTHERS. CANADA AND FRANCE RESERVED ON US FIGURE, COULD AGREE AD REF ON 6.3 AND AGREE ON 8.4. UK HAD SYMPATHETIC RESERVE FOR GERMAN FIGURE. US GAVE SYMPATHETIC RESERVE ON GERMAN FIGURE. INSTRUCTIONS REQUESTED: IF WASHINGTON CAN ACCEPT 6.3 MILLION BITS, THEN SUGGEST SYSTEMS FALLING BELOW NOTE 5(H)(1) BE LIMITED TO 4.72 MILLION BITS. DO NOT SUGGEST GOING TO 8.4 MILLION BITS.

5. ALL AGREED ON NOTE 5(G)(4)(I).

6. ON NOTE 5(G)(4)(II), GERMANY RAISED PROBLEM THAT
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ONE OF THEIR NEW PRODUCTS WHICH WAS VERY IMPORTANT TO THEM HAD AN "EFFECTIVE BIT TRANSFER RATE" OF 3.39 MILLION BITS PER SECOND. BY DEFINITION IN NEW NOTE 5 (C) VALUES WERE: "R" EQUAL 6.448, "C" EQUAL 1, "TMIM" EQUAL 0.01, "TR" EQUAL 0.05, "S" EQUAL 1, GIVING AN "RE" EQUAL TO 3.39. THE UNIT HAS A CAPACITY OF 576 MILLION BITS (72 MEGABYTES). AS A CONSEQUENCE, GERMAN DEL PROPOSED VALUE OF 3.4 FOR THIS SUB-PARAGRAPH.

FRANCE, UK, CANADA, AND JAPAN COULD ACCEPT EITHER VALUE,
DUTCH OPENMINDED, AND GERMANY RESERVED ON US FIGURE.
US RESERVED SYMPATHETICALLY ON GERMAN PROPOSAL.

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7. COMMENT: WE RECOMMEND ACCEPTING GERMAN PROPOSAL PROVIDED WE CAN VERIFY THAT THE MPF IS APPROXIMATELY 79000. THEN THIS UNIT WOULD BE TREATED LIKE 3330S WITH NO ADDITIONAL CONCERN SINCE IT IS BASED ON 3330 MOD I TECHNOLOGY. THE SUGGESTED VALUE WOULD STILL BE BELOW (ALTHOUGH BY A VERY SMALL AMOUNT) THAT OF THE 3340 (3.55 MILLION BITS PER SECOND). HOWEVER, WITH THE DIRECT ACCESS FEATURE THE 3340 WOULD HAVE A MUCH HIGHER FIGURE. INSTRUCTIONS REQUESTED.

8. ALL ACCEPTED AS PREVIOUSLY NOTE 5(G)(4)(III).

9. ON NOTE 5(G)(4)(IV)(A), GERMANY PREVIOUSLY PROPOSED 6400 MILLION BITS (8-3330S) BUT IN SPIRIT OF COMPROMISE COULD ACCEPT 4800 MILLION BITS (6-3330S). CANADA AND JAPAN AGREED TO 3200 MILLION BITS (US FIGURE) AND 4800 MILLION BITS, FRANCE AGREED AD REF. NETHERLANDS AGREED ON GERMAN FIGURE AND OPENMINDED ON

US. UK RESERVED ON US FIGURE AND AGREED WITH GERMAN FIGURE. US RESERVED WITH INDICATION OF DIFFICULTY OF INCREASING FIGURE BASED ON KNOWN DIFFICULTIES OF GETTING 3330S INTO NOTE 5. INSTRUCTIONS REQUESTED.

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10. ON NOTE 5(G)(4)(IV)(B),(C) AND (D) ALL AGREED FRANCE AD REF.

11. ON NOTE 5(G)(5), UK PROPOSED 4800 BITS PER SECOND BECAUSE MANY NORMAL TERMINALS CAN OPERATE AT 4800 BITS PER SECOND AND HAVE TO BE MODIFIED TO REDUCE THEM TO 2400 BITS PER SECOND. GERMANY, JAPAN, CANADA AND NETHERLANDS COULD ACCEPT EITHER UK OR US FIGURE (2400 BITS). FRANCE AGREED TO UK FIGURE AND RESERVED ON US. US RESERVED ON UK FIGURE. INSTRUCTION REQUESTED BUT CAN PROBABLY HOLD AT 2400 BITS PER SECOND.

12. ON NOTE 5(G)(B)(I), UK PROPOSAL FOR 24000 BITS PER SECOND RAISED. CANADA SUGGESTED AS COMPROMISE 9600 BITS PER SECOND FOR LONG LINES INTO TELEPHONE SYSTEM PLUS 14400 BITS PER SECOND FOR LOCAL HARDWIRED LINES UP TO TWO MILES IN LENGTH. FRANCE RESERVED ON US FIGURE (9600 BITS) BUT ACCEPTED CANADIAN PROPOSAL, NETHERLANDS OPENMINDED ON ALL SUGGESTIONS, JAPAN COULD ACCEPT US FIGURE AND OPENMINDED ON OTHERS, GERMANY ACCEPTED UK FIGURE, OPENMINDED ON CANADIAN FIGURE AND SYMPATHETIC RESERVE ON US FIGURE. THEN UK WAS PREPARED TO WITHDRAW ITS PROPOSAL AND COULD ACCEPT CANADIAN AND ACCEPT AD REF US FIGURE. CANADA RESERVED ON US FIGURE.

13. ON NOTE 5(G)(6)(II), JAPAN UK AND FRANCE AGREED, GERMANY AD REF. NETHERLANDS OPENMINDED. CANADA PROPOSED TO ADD 4800 BITS FOR HARDWIRED LINES NOT EXCEEDING 2 MILES BUT COULD ACCEPT US PROPOSAL. OTHERS COULD AGREE TO CANADIAN PROPOSAL. US RESERVED ON BOTH (G)(6)(I) AND (II) ON ANY FIGURE OTHER THAN ITS OWN. BILATERALLY WITH CANADIAN TECHNICIAN, US INDICATED THAT PROBLEM WITH CANADIAN PROPOSALS WAS THAT ONCE 4800 BITS LINES GOT OUTSIDE OF COMPUTER OPERATING AREA, THEY COULD BE EXTENDED INTO THE TELEPHONE SYSTEM VERY EASILY WITHOUT DETECTION. THIS WOULD THEN VIOLATE RESTRICTION THEY WERE TRYING TO PLACE ON REMOTE LINES. CANADIAN TECHNICIAN AGREED TO POSSIBILITY AND WOULD CHECK FURTHER TO SEE IF THEY COULD MODIFY OR WITHDRAW PROPOSALS. NO INSTRUCTIONS REQUESTED AT THIS TIME.

14. NOTE 5(G)(6)(III) AND (IV) AGREED IN COMMITTEE
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AS PREVIOUSLY.

15. ON NOTE 5(H)(1), GERMANY RAISED PROBLEM THAT BY OFFICIAL IBM DOCUMENTS PUBLISHED IN GERMAN ON 370/145 (BY WHICH GERMAN LICENSING AUTHORITIES APPARENTLY MUST ABIDE) PDR COMES OUT AT 13.7. SINCE THEY CANNOT ACCEPT FREEING 370/145 FROM (H)(2) CONDITIONS WHILE KEEPING SIEMENS 4004/150 UNDER (H)(2) CONDITIONS, THEY PROPOSED DROPPING PDR VALUE TO 13.5. JAPAN THEREUPON WANTED FIGURE RAISED TO 14.5 TO PERMIT FACOM 230/48 AND 45S (PRR 14.5) AND TOSBAC 3000/25 (PDR 14.2) TO COME UNDER (H)(1). US STATED THAT BY ITS FIGURES 370/145 HAD PDR OF 14.7 AND THAT IT COULD ACCEPT ANY VALUE BELOW THAT, BUT IT COULD NOT SATISFY BOTH GERMAN AND JAPANESE CONCERNS. GERMAN DEL WILL PROVIDE DOCUMENTS ON MONDAY. GERMANY AND UK BOTH PROPOSED RAISING STORAGE CAPACITY FROM 1900 TO 2850 MILLION BITS (FROM 4 TO 6 DOUBLE DENSITY 2314 DRIVES). FRANCE RESERVED ON ALL OF (H) UNTIL NOTE 5(D) AND (E) RESOLVED. CANADA COULD

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ACCEPT (H)(1) WITH OR WITHOUT ANY OF ABOVE CHANGES. NETHERLANDS OPENMINDED. UK COULD ACCEPT ANY PDR IN RANGE 13.5-14.5 RESERVED ON 1900 MILLION BITS. GERMANY ALSO RESERVED ON 1900 MILLION BITS AND PDR OF 14. JAPAN COULD ACCEPT 1900 OR 2850 MILLION BITS BUT RESERVED ON PDR OF 14. US RESERVED ON ANY CHANGES BUT INDICATED IT COULD ACCOMMODATE EITHER 13.5 OR 14.5 OR ANYTHING BELOW 370/145. ON GERMAN/UK PROPOSAL OF 2850 MILLION BITS, US STATED THAT WITHOUT SIGNED STATEMENT AND VISITATION SUCH A PROPOSAL WAS EXCESSIVE AND HELD LITTLE HOPE FOR CHANGE. INSTRUCTIONS REQUESTED ON GERMAN/UK PROPOSAL OF 2850 MILLION BITS BUT SUGGEST THAT NO CHANGE REQUIRED OR APPROPRIATE AT THIS LOWER LEVEL.

16. ON NOTE 5(H)(2), PROBLEMS ALMOST AS BAD. GERMANY INDICATED THAT UNIDATA 7-750 HAD PDR OF 24 BUT WAS DESIGNED TO COMPETE WITH 370/145 AND IN BENCHMARKING IT RAN ONLY 10-15 PERCENT FASTER. PROBLEM WAS THAT IT HAD A VERY FAST FIXED POINT ADD. FIGURES GIVEN FIXADD 1.5, FLTADD 3.61, FLTMUL 7.72. BROCHURES PREVIOUSLY REQUESTED NOT YET PROVIDED. GERMANY SUGGESTED INCREASE IN PDR TO 25. JAPAN ALSO INDICATED THAT IT WANTED INCREASE TO 21.8 TO ACCOMMODATE HITAC 8450. (WE WILL CONFIDENTIAL

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TRY TO HOLD BILATERAL TALKS WITH BOTH TO SEE WHAT CAN BE DONE.) ON (H)(2), NETHERLANDS OPENMINDED, CANADA RESERVED BECAUSE NOTE 5 (D) AND (E) NOT RESOLVED AND THEY WOULD LIKE SEMI-ANNUAL VISITS. FRANCE RESERVED. GERMANY AND JAPAN RESERVED (IT HAD FIRST ACCEPTED BEFORE GERMANY HAD PROPOSED INCREASE) AND UK AGREED. NO INSTRUCTIONS REQUESTED AT THIS TIME.

17. ON NOTE 5(H)(3), UK ACCEPTED WITHIN GENERAL RESERVE ON LIMITED VISITATION. WHEN ASKED BY US, UK INDICATED THAT BY THEIR PROPOSAL THIS WOULD BE QUARTERLY VISITS FOR SIX YEARS. GERMANY, FRANCE AND CANADA RESERVED ON UNLIMITED VISITS, JAPAN ACCEPTED ON BASIS OF UK POSITION AND NETHERLANDS OPENMINDED.

18. ON NOTE 5(H)(4), NETHERLANDS AND JAPAN OPENMINDED, GERMANY AND UK COULD AGREE, FRANCE AND CANADA RESERVED.

19. ON SOU TO NOTE 5, FIRST PARAGRAPH, UK AND JAPAN AGREED, CANADA AND GERMANY AGREED AD REF, NETHERLANDS OPENMINDED, FRANCE RESERVED. ON SECOND PARAGRAPH, UK

JAPAN AND CANADA AGREED, FRANCE AND GERMANY AGREED AD REF, NETHERLANDS OPENMINDED. ON THIRD PARAGRAPH (RIGHT TO OBJECT), NETHERLANDS, JAPAN AND CANADA AGREED, UK AND GERMANY AGREED AD REF. FRANCE RESERVED. ON FOURTH PARAGRAPH, UK PROPOSED DELETION OF WORD "CIVIL", THEN NETHERLANDS AND JAPAN AGREED, OTHERS AD REF AND US AGREED AD REF. IN THIS CONTEXT NEITHER "CIVIL" NOR "NON-STRATEGIC" IS NECESSARY HERE SINCE BASIC TRANS-ACTIONS CONCERNED HAVE ALREADY MET NOTE 5 TEST. ON FINAL PARAGRAPH, US WHEN QUESTIONED, INDICATED THAT THIS WAS A GENERAL ATTEMPT TO INSURE THAT SIGNIFICANT SOFTWARE AND EQUIPMENT TECHNOLOGY AND TRAINING WOULD NOT BE DISCLOSED BEYOND THE LIMITS OF WHAT WAS NECESSARY FOR A VIABLE TRANSACTION. THERE WAS GENERAL SYMPATHY WITH THIS POSITION BUT PARAGRAPH WAS WORDED TOO STRONGLY AND THE PCS WOULD HAVE LEGAL PROBLEMS IN UNDERTAKING SUCH AN EMBARGO. UK PROPOSED INSERTING IN FIRST LINE AFTER "LIMIT" THE WORDS "IN SO FAR AS
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PRACTICABLE", BASED ON AP5. ON THIS BASIS AND ALSO ON DELETION OF WORD "CIVIL" IN LAST LINE, JAPAN AGREED, ALL OTHERS AGREED AD REF. US ALSO AGREED AD REF.

20. ON NOTE 13, UK PROPOSED DELETING (A)(II) (1900 MILLION BITS) GIVING IN EFFECT IMMEDIATE RELAXATION TO 3200 MILLION BITS. US STATED THAT THIS WOULD INVALIDATE LIMIT SIMILAR TO NOTE 12(A). US FURTHER STATED THAT ITS POSITION WAS THAT ANY VALUE GREATER THAN 1900 MILLION BITS SHOULD BE SUBJECT TO THE "RIGHT TO OBJECT" PARA IN NOTE 5 SOU. GERMANY THEN PROPOSED LIMIT OF 2850 MILLION BITS (6 DOUBLE DENSITY 2314 DRIVES). FRANCE, GERMANY AND UK RESERVED ON US FIGURE OF 1900 MILLION BITS. NETHERLANDS, JAPAN AND CANADA COULD AGREE ON US FIGURE. ON PROPOSAL OF 2850 MILLION BITS AND 1 YEAR LIMIT ALL DELS AGREED. US RESERVED. BASED ON UNDERSTANDING ON NOTE 12 (PARA 8, REF D), US DEL ASSUMES THAT OTHER COUNTRIES WILL WANT TO APPLY PROVISIONS OF NOTE 13 RETROACTIVELY TO PREVIOUS SYSTEMS BRINGING THIS NOTE INTO FORCE IMMEDIATELY.

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SOME DELS (PARTICULARLY FRENCH) HAD PROBLEMS WITH NOTE 13(C) BECAUSE IN THEIR VIEW THERE WAS IMPLICATION THAT ONE MEMBER GOVERNMENT WOULD "DENOUNCE" ANOTHER AS NOT MEETING TERMS OF NOTE 5. WORDING CHANGED TO: "NO VIOLATION OF THE CONDITIONS OF NOTE 5 OR ANY EVIDENCE OF REMOVAL OR DIVERSION OF THE EQUIPMENT FROM AUTHORIZED PURPOSES HAS BEEN REPORTED TO THE COMMITTEE." WITH THIS CHANGE, NOTE 13 WAS ACCEPTED BY CANADA, JAPAN, THE NETHERLANDS AND FRANCE (AD REF). GERMANY AND UK RESERVED ON (A)(II) AND HAD A SYMPATHETIC RESERVE ON THE REST OF NOTE. US RESERVED BUT SAID IT WOULD RECOMMEND THE CHANGE TO ITS AUTHORITIES.

21. PARA 4, REF C REQUESTED FULL REPORTING ON "RIGHT TO OBJECT" PARAGRAPH IN NOTE 5 SOU. WHEN SOU DISCUSSED (PARA 10) ABOVE) THERE WAS LITTLE IF ANY DISCUSSION AND ALL DELS AGREED, EXCEPT FRANCE WHO RESERVED ON FIRST AND THIRD PARAGRAPHS. ONLY OTHER DISCUSSION WAS IN NOTE 13 (PARA 20 ABOVE) WHERE UK AND GERMANY WANTED RELAXATION ON (A)(II). THIS DELETION WOULD INVALIDATE "RIGHT TO OBJECT" PROVISIONS OF NOTE 5 SOU ON 6 DOUBLE DENSITY 2314 DRIVES. IT IS DIFFICULT TO ASSESS HOW STRONG UK/GERMAN POSITION IS ON THIS ISSUE BUT IT DOES NOT APPEAR TOO STRONG. US DEL DOES SUGGEST, HOWEVER, CONFIDENTIAL

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THAT WASHINGTON DETERMINE IF NOTES 5 AND 13 ARE RETRO- ACTIVELY APPLICABLE TO PREVIOUS GENERAL EXCEPTION CASES

AND WHETHER VISITATION IS COUNTED FROM DATE OF INSTALLATION OR DATE NOTE 5 TAKES EFFECT IN CASE ISSUE IS RAISED PER NOTE 12 (PARA 8, REF D). US DEL DOES SUGGEST THAT THIS BE THE INTERPRETATION BECAUSE OF ADMINISTRATIVE SIMPLICITY. THIS WOULD MEAN THAT SYSTEMS PREVIOUSLY SHIPPED AS EXCEPTIONS FALLING BELOW NOTE 5 (H)(1) WOULD BE UNDERSTOOD TO SATISFY CONDITIONS OF NOTE 5 AND THEN NOTE 13 WOULD ALSO APPLY. FOLLOWING UK/GERMAN PROPOSAL ON NOTE 13(A)(II), THIS WOULD MEAN THAT DELETIONS UP TO 6-DD 2314 DRIVES COULD BE EXPORTED AS AE FOR SYSTEMS EXPORTED MORE THAN 1 YEAR AGO. FOR SYSTEMS WITHIN NOTE 5(H)(2) OR (3), IF SIGNED END-USER STATEMENTS PROVIDED TO COMMITTEE AND VISITATION ASSURED THEY WOULD ALSO SATISFY NOTE 5 AND AGAIN NOTE 13 WOULD COME INTO EFFECT. ON THIS BASIS "RIGHT TO OBJECT" TO TO 6-DD2314 DRIVES HAS NO EFFECT AND SUCH EXPORTS COULD START AS SOON AS NOTE 5 COMES INTO EFFECT. THEREFORE, IT IS MOST IMPORTANT THAT INSTRUCTIONS BE RECEIVED ON RETROACTIVE APPLICABILITY OF NOTES 5 AND 13 AND UK/GERMAN PROPOSAL ON NOTE 13(A)(II). SUGGEST NOTE 13(A)(II) CHANGE NOT BE AGREED TO BECAUSE OF ABOVE IMPLICATIONS.

22. ACTION REQUESTED: PROMPT TRANSMISSION OF INSTRUCTIONS ON CONFIRMING AD REFS PARA 1 AND 19, AND ON POSITION IN PARA 4, 7, 9, 11, 15, 20 AND 21.
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